

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CESAR MENDOZA-HERNANDEZ,
Plaintiff

v.

JAMES F. SHERMAN, Warden,
Defendant.

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C.A. No. 04-204 Erie
District Judge McLaughlin
Magistrate Judge Baxter

ORDER

AND NOW, this 21st day of July, 2005;

IT IS HEREBY ORDERED that Plaintiff's motion to enlarge time to file his response in opposition to motion to dismiss [Document # 18] is dismissed as moot, as Plaintiff has since filed his response.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief U.S. Magistrate Judge

cc: All parties of record